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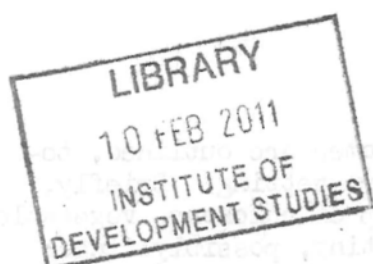
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THE ECONOMIC RIGHTS OF NANDI WOMEN

by

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ABSTRACT

The traditional economic rights of Nandi women are outlined, together with changes these are undergoing in the modern setting. Briefly, women traditionally have absolute rights of ownership of chickens, vegetables and the milk from the evening (and in the modern setting, possibly finger millet); qualified rights of ownership over a share of the maize (formerly finger millet) crop, cattle acquired under certain circumstances, and sheep and goats acquired through their own efforts; and veto power over the alienation of family land and cattle. Several factors are discussed which are presently contributing to the erosion of the economic rights of wives, while the economic rights and options of unmarried women are increasing.

Introduction

This paper describes, in broad outlines, the traditional and current economic rights of Nandi women vis-a-vis men. The information reported here is based on a series of in-depth interviews conducted with a total of 26 informants (14 men and 12 women) of varying ages and educational backgrounds.* On some of the topics discussed here, informants were more or less unanimous; on others, there is some variation in informants' responses. Analysis to determine how these variations in responses reflect differences in age, sex, religion and educational level is currently being conducted. Nevertheless, it is worth reporting at this stage the general picture which emerges from the interviews.

Nandi informants consistently emphasize in general remarks on this subject lack of economic rights on the part of women, especially of wives vis-a-vis their husbands. The ideology that the man should be the absolutely controlling economic force in a family is very strong. Nevertheless, the truth is that Nandi women are far from economically powerless. When one gets down to specifics, it becomes very clear that they have, and have traditionally had, well-defined rights in property of certain types, as well as economic spheres which are reserved for women and which they are free to pursue autonomously.

In the modern setting, traditional definitions of all sorts are breaking down, not the least, definitions of women's traditional economic rights. There is confusion as to the exact nature of traditional norms, and the ideology that all property should be held communally in a family with the husband as the ruler of all is in competition with more specific and qualified traditional definitions of the rights of various family members. In fact, the people one might well expect to be the most progressive in their attitudes - the young and educated, particularly men - are those who are most likely to stress the community property ideology at the expense of traditional qualifications. Thus, there is some danger that modernization may actually reduce women's traditional economic and property rights in some ways. (At the same, it must of course be recognized that other forces of modernization work to increase women's property rights as well - e.g., the legal possibility of women inheriting land.) Exactly what forces are at work, and how they affect women's traditional rights, will be discussed at greater length below.

*. Thanks are due to Jennifer Jeptoo Kosut, Leon Oboler, and Peter Bungei who assisted in collection of the data.

That the traditional rights of women should be safe-guarded is desirable from a humanitarian point of view, but it is also extremely important from the standpoint of maximally efficient rural development and agricultural productivity. People are most likely to work hard where direct benefits to themselves are evident. Achola Pala¹ cites two cases (one of pyrethrum in Central Province and the other of cotton and tobacco in South Nyanza District) in which production fell or weeding of a cash-crop was not done on schedule because while women were providing most of the labour, payments were being made to men. A similar situation is in danger of developing in Nandi if control of the profits of traditionally feminine economic spheres is removed from women, as some advocate.

The economic rights of women as described by Nandi informants are set forth below.

Family Property

The ideology is very strongly held by all informants that all property owned by a husband and wife is corporate family property. At the same time, informants' statements make it clear that^{what} the notion of the corporateness of family property means to them first and foremost is that all property belongs to or is under the control of the husband. The idea of a woman owning or controlling property independently of her husband is vehemently rejected. The following informants' statements may be taken as illustrative of this theme: "The wife cannot say, 'This is my money absolutely.' Nothing is her own absolutely." "Once a girl is married, everything which belonged to her before marriage has got to be under her husband's control." "You know, when a woman is married to a man, everything she owns belongs to the husband." Or, at the extreme: "Always everything is mine, even that wimbi she plants. What do you think a woman is when she is here? She is a servant of mine. She is mine, and all ^{that} / she does is mine."

The dangers of feminine control of property are expressed thus: "If a woman earns more money than her husband, she can easily boast. Whenever a quarrel arises, she can say that she is the master of the economy in the family. That way she will seek to be the head of the family. I have seen some women here in Nandi who earned money. Eventually, they could not lead a good life

1. Achola O. Pala, 1975, "A Preliminary Survey of the Avenues for and the Constraints on Women in the Development Process in Kenya", Institute for Development Studies Discussion Paper No. 218, U. of Nairobi, Nairobi, Kenya. (pp. 26 and 27)

with their men. Therefore, some of them parted." Or: "Our women are easily swayed by money. Once she has a lot of money, a woman can break away from her husband."

Most informants, then, both men and women, are deeply committed to the idea that it is bad for a woman to own or control any property independently of her husband. This feeling is particularly strong where money is concerned - at least as regards any significant amounts of money. This does not mean that they usually oppose the idea of a woman working for wages, as long as it is clearly understood that the woman's husband, and not she herself, is the one who controls the income. Informants usually recommend the idea of a husband and wife holding a joint bank account (which is frequently alternately referred to as "the husband's account".) It is always made clear that while a husband is free to draw from such an account without consultation with the wife, she can only withdraw with the permission of her husband.

Married Women and Income.

If a woman does have any money, from whatever source, she definitely does not have the right to disperse it in any way that is not to the immediate benefit of her family of procreation without her husband's consent. She cannot, for example, invest in a business venture (though if her source of income is marketing or the operation of a shop, it is considered all right for her to reinvest her profits on a small scale), or use the money to help one of her own siblings with school fees. The husband definitely does have the right to use money in these ways without consultation with his wife. A few informants pointed out, however, that if the wife is educated and working for wages, it would be very bad for her husband to refuse her request to help her family of orientation: "He knows very well that my parents educated me and otherwise that money would not exist." "The wife can tell the husband, 'My parents educated me and that is why I have a job. I haven't done anything good for them, and so I would like to build a better house for my parents.' If the husband knows that he really married her before she did anything for her parents, he will not refuse to let her do something for them."

Though it is considered that wives do not have the right to have access to or control over significant amounts of money, almost all informants believe that women should possess small amounts of money which they can use at their own discretion for things which will be "of benefit to their families". Such money may either be given to the wife by the husband as an allowance (especially in families which have significant cash income from employment or large-scale cash cropping), or may be the result of her own activities in economic spheres considered to be the province of women.

The Property of Women.

It is uniformly held by Nandi informants that (married) women own three things. These are: a vegetable garden (Kapungut), chickens, and the milk from the afternoon or evening milking.

Traditionally, the morning milk was set aside to be drunk by the men of a family, while the afternoon or evening milk was to be consumed by the women and children. Something of this conception is carried through into the modern setting, in that the morning milk, which is sold to the KCC (Kenya Co-operative Creameries), is thought of as belonging to the husband. The afternoon milk is for consumption by the family, though it is said to belong to the wife. It does belong to the wife, in that if there is extra milk over and above what can be consumed by the family, she is free to sell it (e.g. to boarding school students) and use the money for her own needs. The right of the wife to control the the afternoon milk may be negated, however, if there are a very large number of cows. In this case, afternoon milk must also be delivered to the KCC, and money coming from the sale of milk to the KCC is usually thought of as belonging to the husband.

Larger livestock almost always belong to men, but the ownership of chickens is considered beneath a man's dignity. Nandi men are always amused by the idea that members of other ethnic groups take ownership of chickens seriously. However, Nandi women usually keep chickens, often in large numbers. Some consume poultry products entirely within their own households, but others realize profits of greater or lesser magnitude from the sale of chickens and their eggs. Chickens were described by one informant as "ng'ombe ya wanawake" ("the cattle of women"). Most informants feel that chickens belong to women, no matter how many there are and no matter how much money the business makes. Some informants assert, however, that as in the case of the evening milk, if the chickens are very many and the profits are very great, control of this money can legitimately be taken over by the husband. However, I know of very few cases of men concerning themselves with large-scale poultry keeping.

The case of vegetables is somewhat different. Various subsidiary crops (e.g. beans, pumpkins, sweet potatoes) were traditionally grown by women for use by their households. Additionally, wild indigenous green vegetables were gathered. However, the growing of exotic vegetables and the possibility of marketing them for cash was first encouraged by Maendeleo ya Wanawake in the 1950's and 60's. Because of this history of association with women, vegetables are usually considered to belong entirely to them. A woman is free to cultivate as large a plot of vegetables as she has time, energy and ambition

for, and to market them or use them at home as she sees fit. It is not uncommon for husbands to assist their wives in finding markets for their vegetables. Most men would not think of interfering with their wives' profits from vegetables. After all, the man has the income from milk, maize and tea, the three major cash-crops. As one informant expressed it, it would not be "polite" for a man to demand the money from any of the typically feminine spheres as well. Most informants feel that vegetables are the property of the wife absolutely. However, a few qualify this by saying that as in the case of milk and chickens, if there are very many vegetables or the profits are very large, a woman may have to share them with her husband. Furthermore, a new trend is for men of the youngest circumcised generation (Kipkoimet) to enter the vegetable business in competition with women. Most of these men are recently married - they do not have large plots or many animals as yet, and are impatient with tea, which can't yield a cash income for several years. They see that exotic vegetables can yield a not inconsiderable profit in a short time. Whether these men will abandon vegetables to their wives' control as they become more established, only time will tell. However, there seems to be a danger here of male encroachment on a formerly feminine economic preserve. One old woman noted that some husbands of the younger generation try to control vegetables, chickens and the evening milk, "but our husbands don't ask for these things, these old ones."

The Rights of Wives in Other Property.

Land - It is extremely difficult for a man without land to marry. Either he must have land that he stands to inherit from his father, or he will acquire a piece of land through his own efforts before he even considers marrying. This results, of course, in a situation where virtually every newly married woman comes to stay ^{with} her husband on his or his family's property. People are very clearly aware that the land on which the family lives is that of the husband and not of the wife. Informants note that this matter of ownership of land will often be the clinching factor in arguments. If a wife tries to have too much voice in farm management decisions, the husband can always say, "Whose land do we live on? Did you own a plot when you came here?" The fact that the land is the husband's is also commonly cited as the reason why the wife cannot unilaterally decide to grow crops (other than vegetables and finger millet) of her own on it.

However, women are not completely powerless where land is concerned. Once a wife is married, a share of the husband's property is automatically conferred upon her "house", that is, her descendants. It is not only her right, but her duty, to safe-guard this property. Thus, most informants

(especially older ones) are agreed that a wife has a veto power over her husband's decision to sell land. A husband should always confer with his wife about land transactions. If he decides against her wishes to go ahead and sell part of the plot, it is a very serious matter. If she feels very strongly on the issue, she can block the sale by taking the matter to the kokwet (neighbourhood) elders. As one informant put it: "If he tries to sell the land, I have to be harsh. If he is about to sell it all, I call for help from people." Whether matters very frequently reach this point, or whether wives frequently have the strength to oppose their husband's will, is another question - the wife definitely has the right to prevent alienation of the family's land.

In the modern setting, of course, legal land ownership is open to women as well as men, and some few independent women do own their own plots. For a married woman to own land independently of her husband, however, is effectively unheard of. In the few cases where I have ever heard of this happening, it was the prelude to separation.

Livestock - Men are the appropriate owners of cattle. Informants are agreed that it is virtually impossible for a married woman to save money gained through other economic activities and ultimately acquire a cow for herself. If a woman were to buy a cow without the permission of her husband, he would be perfectly justified in selling it, as she has no right to own an animal independently. However, there are certain ways in which property in the form of cattle can accrue to a household through a woman, and ultimately become the property of that woman's descendants. A woman may be given a cow known as chepsegut during her wedding ceremony, usually by her father. Also, a woman is entitled to keep a cow from the bridewealth of any of her daughters. Lastly, a woman may own a cow before she is married, and bring it with her to her new home (though many women say that if this is the case, it is better to leave the cow with one's parents). Informants make it clear, however, that in such cases the cow is not the absolute property of the woman. "If I own a cow, after I am married it will not really be mine, but will be for the family. It will be referred to as my husband's cow." Another informant says: "The cow is referred to as belonging to the family, but everyone knows it is mine. I will divide its offspring among my sons in my old age." The wife cannot sell such a cow or dispose of it as she wishes without the husband's permission. But by the same token, neither can the husband sell or dispose of such a cow without consulting his wife. It is thus in two senses only that a married woman can be said to "own" a cow: it and its progeny will eventually be the property of her house, and it can never be alienated from her house without her consent.

Such limited ownership of livestock, however, does give women some added influence in their households, and it is for this reason, some informants have said, that during modern Christian wedding ceremonies, men sometimes refuse to allow their brides to accept a chepsegut cow. Owning property will make a woman too proud. In the words of one informant: "If the wife owns something, when she makes a mistake and you quarrel a bit, she refers to this tea or cow that she bought, and that everything which is here originated from that. In most cases, she does not stop saying about the tea (cow). Most men do not like their wives to own anything. They could own something small, maybe, but not something big."

Some informants also say that a husband should always consult with his wife before selling a cow. Some seem to think that the wife has a right to exercise a veto power over the husband's decision to sell the animal, but this understanding is not clearly held by all informants. There does seem to be a consensus that the husband does not have the right to use money gained from the sale of a cow for purposes of his own which do not benefit the nuclear family, and in this case the wife may be able to effectively exercise a veto. I know of at least one case where a wife strongly opposed her husband's sale of an animal, and felt within her rights in doing so, because he had kept all the money himself and not given part to her for use in the household. What informants usually say about the wife's input into decisions on the sale of animals is that she should be consulted because she is the one who cares for and milks the cattle and thus has the most informed opinion as to which animal the household can best afford to do without.

Some informants also claim that it is impossible for a woman to own a sheep or goat. Others maintain, however, that should a woman acquire a sheep or goat through her own efforts, or as a gift from her son-in-law at her daughter's wedding, etc., this animal belongs to her - the husband cannot sell it without her consent, and she can sell it or its progeny to get money for family needs. However, most people agree that it is a good thing if the woman talks over her plans for the animal with her husband before acting on them. Some women informants claim that they personally own or have owned sheep or goats.

Maize - Traditionally, when wimbi (finger millet) was the staple crop, each household had two granaries. One of these belonged to the husband and the other to the wife. Enough grain was stored in the wife's granary to provide food for the family until the next harvest. What was left over was reportedly put into the husband's granary to be used for brewing, as it was a social obligation of men to periodically sponsor beer-drinking parties for male elders of the community. Some informants indicate that there was a point

in time during which there was a physical division between the field, or section of field, considered to belong to the husband and that considered to belong to the wife (see Peristiany's description of the Kipsigis imbaret ab mossop/imbaret ab soi system²), but this is less clear.

At any rate, today husband and wife cultivate maize together in the same field. In many families, especially those of older people, they may still maintain two granaries, but the current trend is to have one granary only. It is the responsibility of the husband to pay for seeds, fertilizer, plowing, etc., out of the profits from the sale of the previous year's maize. Both husband and wife are generally considered to have equal responsibility in terms of labour for the cultivation of maize. Informants are agreed that ideally, at the time of harvest, enough maize should be put into the granary to feed the family for the year. This is thought of as the wife's share. What is left over - the cash-crop portion of the maize - belongs absolutely to the husband to sell. It is up to him to sell it and decide unilaterally what to do with the profit - though it is always said that a good man will use this money for the benefit of his family rather than for his own private interests. However, he is perfectly within his rights to use the money for private ends if he wishes.

V It is also generally considered to be the case that a man is free to decide to sell the bulk of the crop at harvest time, provided that it is understood that it is up to him to provide maize when the wife's share runs short. If his behavior in the past has been such that the wife might reasonably suspect that he will fail in this responsibility, she can rightfully appeal to the elders of the neighbourhood to prevent the husband from selling more than the surplus which remains after the household share has been set aside. Some informants maintain that the husband can under no circumstances sell all the maize - that the wife has the absolute right to a share.

Informants are divided on the issue of who decides, under normal circumstances, how much should constitute the wife's share. Some maintain that the husband takes what he intends to sell, and what is left is the wife's share. The wife may protest if she thinks her share is too small, but this is probably in vain because the final decision rests with the husband. Other informants maintain that it is the wife who decides how much will be needed for the household, and the husband's share is what is left over - it is the wife, after all, who is in the best position to know how much maize the members of the household are likely to consume in a year. The third position taken by informants is a compromise position, and the one that is probably closest to the truth in most families. It is that how much maize will be left and how much will be sold is hardly ever a matter for discussion and decision-making - both parties know from experience how much is required for household consumption.

2. J.G. Peristiany, 1939, The Social Institutions of the Kipsigis, Routledge & Kegan Paul, London.

Another question on which there is lack of complete agreement is that of to what extent the "wife's share" is actually that - a share which belongs to her and which she can dispose of as she wishes. Some informants say this share is for house/^{hold} use only; that none is to be sold, and that any which is left over at the time of the next harvest must be used as feed for cattle. Some claim that the woman may sell a few bags of the household maize to get money for her own needs. One informant explained that even though the wife keeps the money from sale of maize, "it (the money) isn't actually yours. It goes for family expenses. It is only yours because the maize meant for food is for the woman." Another informant reports: "The maize in my small store is mine completely. I can sell it, or use it to brew some beer so as to make more money." (Interestingly enough, there seems to be a tendency for more educated and/or Christianized informants to report less right on the part of a wife to independently control her share of the crop.)

The husband is the one, in general, to decide how much maize will be planted. If the husband is less ambitious than the wife and plows only a small field, she is free to decide independently to plant more maize, but she will not "own" or control this maize. Informants agree that any surplus produced over what is needed by the family for food belongs to the husband regardless of who planted it. A man would never object to his wife planting more maize and cultivating it with her own labour, because it will be his anyway. Informants are unanimous that it is impossible for a married woman to have maize of her own which is hers to control. She can grow a small amount in her vegetable garden, but this is considered insignificant.

There is also agreement that it is impossible and unheard of for a woman to refuse to work on the maize crop in order to pursue some other activity (e.g. growing vegetables) which will benefit her more directly. It is her duty to cultivate the maize, even if she suspects that her husband may squander the money from the sale of the surplus and not use it for family needs. Informants also point out that she would be stupid to refuse - weeding the maize doesn't take all that long, after all, and the woman can be sure of getting at least enough of the crop to feed the children.

Wimbi (Finger Millet) - There is less agreement among informants about the status of finger millet than about that of maize. Most informants agree that a woman is free to grow her own wimbi, as much as she likes. It is less clear whether she must split the profit derived therefrom with her husband. Some informants maintain that in the past, when wimbi was the staple crop, women were the ones who planted (though both sexes cultivated) and that women of that time had more control over the staple crop (e.g. in terms of using it

in barter) than is true at present. However, at least two informants are adamant that women have more control over wimbi now than they did in the past - that they can keep any profit they now derive from wimbi entirely for themselves, whereas formerly they were required to split it with their husbands. In the words of one informant: "Wimbi is more or less like maize. Once it is in the store, the wife has to get permission from the husband to do what she likes with it. Nevertheless, in a Christian family, the wife can own wimbi completely. Wimbi is actually supposed to be a woman's property." According to another (non-Christian) informant: "Wimbi belongs to the woman who grew it, and the money is hers. She only gives her husband some if he has been sharing his money with her."

The most usual use for wimbi is in brewing. The consensus of informants is that if the woman uses for brewing (along with the wimbi) maize that she acquired independently of her husband (e.g. by being given it by her parents, or by buying it with profits from her vegetables), the money she gains from the venture will undoubtedly belong to her absolutely. Opinion is divided on whether the money will still belong to her if she uses part of the household maize, or she will have to divide it with her husband. In any case, the proviso is always that a married woman brews in order to get money to use for purposes within her own family, and she will have discussed the plan with her husband in advance.

Tea - Tea is a major cash-crop, and is considered to be the property of men. It is not uncommon for a man and wife to hold two tea numbers, however. The usual explanation for this is that there was a time when a certain number of plants per number could be obtained on credit from the KTDA (Kenya Tea Development Authority), and men took out tea numbers in their wives' names in order to get twice as many plants on credit. Many informants are at great pains to explain that while the tea may be in the wife's name, the money from that tea is not actually hers, but goes to the husband. Nevertheless, there seem to be a few families in which the money which comes from the tea held in the wife's name is kept by the wife and used for her own needs. Some women interviewed on this subject mentioned tea independently as something they own. However, such an arrangement, where it exists, is at the discretion of the husband - the wife has no intrinsic right to own tea.

Most informants are in agreement that a woman cannot decide independently to use her money to buy tea seedlings and plant them on her husband's plot. After all, they say, the husband is the owner of the plot, and anything permanent that is planted on it is therefore his. The theme that the wife can't plant her own tea because the land belongs to the husband is constantly reiterated. However, clearly the wife can grow things on her husband's land

(e.g. vegetables and wimbi) which are owned by her. Several informants, seeing this logical inconsistency maintain that what makes the case of tea different is that it is permanent. But the same informants admit that the wife can plant and own a small number of fruit trees. It may be that the key reason why a woman can't own a field of tea is that it is both permanent and occupies a significant space. Or it may be simply that owning her own tea puts a woman in independent control of too much money.

A few exceptional informants claim that a woman does have the right to plant and own her own tea. One of them, a KTDA instructor, related the following story:-

"There is a woman called Dorcas who lives in (a neighbouring community). Her husband refused to give her money (to buy tea), so she went to her parents' home and was given it. She bought the tea with it. Now her tea is doing well. When the husband realized that tea gave lots of money, he went to snatch the disc (which must be presented to collect a payment for leaf) from her. When he wanted to go and get the money, the wife went to report him to the KTDA and that money was withheld. The man was warned that he would be taken to court if he insisted on keeping the disc. In the end, he gave the disc to his wife and his wife went to get the money. That woman is now getting on well with her work of taking care of the tea."

No woman will admit that she can or would refuse to work on tea, but in practice men are more active in taking care of tea than are their wives. The model arrangement is that when the weeding of the maize is finished, the husband occupies himself with intensive work on the tea, while the wife turns to her vegetable garden.

The Rights of Wives in Polygynous Families

Nandi ideology holds that in polygynous families division of property and inheritance should be such that each wife and her children receive an equal share. In terms of inheritance, this means that at the death of the husband, his land and any cattle which he acquired through his own efforts will be shared equally among his wives' houses, regardless of how many children each wife may have. (Cattle acquired as a part of a daughter's bridewealth are ideally to be used as bridewealth payments for her full brothers, with the exception of perhaps one animal which may be kept by her mother.) In terms of day-to-day division of property, this means that it is the husband's responsibility to see that the house of each receives fair treatment.

Informants uniformly hold that if wives cultivate one field in co-operation, at the time of harvest, exactly equal maize portions must be put into each wife's store. If they cultivate separate fields, ^{the fields} should be of equal

size, and the husband should spend equal amounts of his own time in each field. Each wife must have her own granary, in which the maize from her field will be stored. The husband must take equal amounts for sale from each wife's granary. Even if the harvest is good in one field and poor in the other, the husband has no right to effect what might seem like a more equitable distribution between the two wives. Nor is the number of children in each house relevant to the distribution of produce. As one informant (herself the wife of a polygynous husband) explained: "If the house with more children finishes its portion, the cow belonging to that house will be sold for them to buy more maize. If I get a poor yield, the cow belonging to my house will be sold. I will not go to share with the other wife. No. The cow from my biut (cattle pen) must be sold."

Absolute equality between wives is the ideal, but in practice the situation is rather more flexible. On the one hand, there is the notion widely held by informants, that Nandi husbands always show favoritism to one wife (usually said to be the one who works hardest) over the other. Thus the husband may forcibly take more maize for sale from the store of one wife than from that of the other, even though he theoretically doesn't have the right to do so. On the other hand, the harder-working wife^{may} have a bigger field as the result of her own autonomy - if she has some small amount of money from her other enterprises (e.g. chickens and vegetables). "At the time of plowing, one of the wives may think of giving some of her money to the husband so that he plows a bigger field for her."

A husband who acquires cattle through his own efforts is obliged to assign each cow in turn to the house of each of his wives. The money resulting from cash-crops such as tea is his to dispense at his own discretion. Theoretically, he should use such money in equal amounts for the benefit of all the houses, but this is the area in which there is most opportunity for flexibility. Thus, if the husband decides to use his money for the children's school fees, uniforms, etc., the house of the wife with more children will obviously benefit more. As far as those economic activities which are considered the domain of women are concerned (e.g. vegetables, chickens, brewing), each wife is of course free to pursue her own interests independently of the other.

At the time of a woman's marriage, then, she and her house receive absolutely the right to an equal share of her husband's property. As each successive wife is added to the husband's menage, of course, a redistribution of actual property among the wives and their houses is effected. But in principle, the wife's rights in this regard are never altered. How many children she bears is irrelevant. If she should bear no children, or daughters only,

the property at the time of her husband's death will belong to her absolutely. It will be for her to decide whether to marry a woman to produce a male heir, to retain the youngest daughter in lieu of a male heir, or even (as some sonless widows I know have done in the modern setting) to divide the property among her daughters.

The Economic Rights of Widows

Once a woman's husband is dead, her economic status changes completely. If her sons are adults, they will have divided her share of her husband's property between them. The widowed mother is usually considered to be the responsibility of the youngest son, and will live with him on his share of the land.

Most informants claim that widows usually prefer not to take major responsibility for the management of property. They keep working as long as they are able, but generally work in co-operation with the wife or wives of their sons, and are given their shares of maize and milk from those of the family - just enough for their own maintenance. However (informants are unanimous on this), a widow is perfectly within her rights to insist on cultivating her own separate maize field independently of her son. There is no limit to the size of the area she may cultivate (as long as the son also has the opportunity to cultivate as big an area as he desires), and the produce belongs to her absolutely. Even if the son provides the mother with seeds and fertilizer, and plows the field for her, he has no legitimate claim on his mother's maize. In fact, it is considered his responsibility to provide his mother with such help, without any reciprocal obligation. If the widowed mother grows more maize than she needs for her own food, she may sell it and use her profit for whatever she pleases. She may own any type of property whatsoever - if she can save enough money, she is perfectly free to buy a cow or even a piece of land. She may also keep as her own property one cow from each of her daughters' bridewealth.

Though it may not be the most commonly chosen alternative, stories abound of widows who took over the management of their property "as if they were men", and even became wealthy in their own right.

If a woman is widowed early in life, it is the responsibility of her husband's brother to take over the husband's sexual and reproductive duties, and to some extent also his economic duties. He should help the widow economically if necessary, and advise her in the administration of the property. Some informants say that it is for him to hold his dead brother's property in trust for the latter's male heirs, and to see that the widow does not "misuse" the property before they reach adulthood. Nevertheless, if a young widow wishes

to manage her property autonomously, and is obviously doing it capably and responsibly, the brother's rights to intervene are very limited.

In short, widows, very much the opposite of wives, have the right to assume economic rights and autonomy very nearly equal to those of men.

Independent Women

The most common situation in which a woman who is not a widow lives independently of a man is when she has separated from her husband. If a woman makes a definite decision that she can no longer live with her husband, she has the right to return to her own family. Except in the case of formal divorce with return of bridewealth (which hardly ever occurs), she cannot remarry. There must always be a place for her on the land of her father or one of her brothers. Her children, however, have no rights in their grandfather's or uncle's property, but must claim their inheritance from their mother's husband. A woman who has returned to her family of orientation must usually assist in the cultivation of the family's maize, and in return is provided with enough for her own maintenance. She does not have the automatic right to cultivate her own maize independently, nor to own her own cattle and graze them on the father's or brother's land. She may engage herself as much as she likes in any of the economic activities reserved for women (vegetables, chickens, brewing). Brewing is one of the most profitable options available to women, and one of the ways in which women who are separated commonly support themselves. A woman can easily make a profit of 200/- to 300/- a month, or even more, through brewing. A separated woman who is a member of a Christian sect which forbids brewing is in a much more difficult position and must work extra hard at, e.g., vegetables to make her way. Separated women who are educated and can work for wages are, of course, in the easiest position. In the modern setting, nothing stops such women, once they have saved enough money, from acquiring land, cattle, or any other form of property, or from investing in their own businesses. It may be possible even for a separated woman who is not educated to acquire significant property - witness the case of a young woman who had separated from her husband and was bought and given a plot by her parents.

Another category of independent women which is becoming increasingly prevalent is the category of women who have never married. The prejudice of men against marrying women who already have children is extremely strong. If a woman bears a child before she is married, it is extremely difficult for her ever to be married, even by the man who fathered the child. This state of affairs does not, however, prevent the very common occurrence of premarital pregnancy among adolescent girls. Such girls usually remain in their parents' homes and raise their children, or if they are educated (as in the case of

separated women) work, save money, acquire property, and become completely independent. The increasing number of women in this category is gradually giving rise to the idea of inheritance of property by daughters. Particularly in families with no sons, but in some families with sons as well, people are considering the option of allowing unmarried girls who have borne children at home to inherit on an equal basis with their brothers. Some forward-thinking people have told me that they definitely plan to make such provision for their daughters.

Though independent women are perhaps more common at present than previously, they existed in the past as well. There is the case of the woman, now in her 80's or possibly 90's, who lives in the community in which this research was conducted. She migrated from the extreme south of Nandi, in the borderland with Terik, well over thirty years ago. At this time, she was a young widow with three daughters. She homesteaded in the forested area in the research community and developed her farm entirely through her own efforts. When her daughters reached adulthood, she divided the plot into three portions and distributed it among them. Two of the daughters sold their portions and with their husbands used the money to add to the husbands' holdings. The third, a woman now in her 40's, continues to live with her mother on her portion. She is periodically visited by her husband, who resides elsewhere.

Thus, though the economic rights of a Nandi wife are always subordinate to those of her husband, it is quite possible for an unmarried woman to achieve a high level of economic independence.

Conclusions

Aside from women who have achieved independent ownership of land and those independent women who are educated and employed, widows are probably the class of women in Nandi society who have the greatest number of economic rights coupled with the greatest degree of economic security. A widow has most of a man's rights to ownership of property. She cannot own land (in the sense of having the right to alienate it), except land which she acquired through her own efforts after her husband's death. However, this doesn't really make much difference to her position because she has an inalienable right to the use of land. The case of a typical separated woman is different. Though she always has the right to make her home on her family's land, she does not have the same automatic rights to the use of this land that a widow does. Of course, a separated woman also has the right to acquire property of any sort through her own efforts.

Though the economic security of married women is greater, their rights to own property are more limited. This is not to say, however, that the rights of wives in property are insignificant. Briefly, the traditional property rights of wives may be defined as follows. Married women have absolute rights to own and control three forms of property: chickens, vegetables, and the milk from the afternoon or evening milking. It may well be that finger millet belongs in this category also, but this is less clear. There are other forms of property to which married women have qualified rights of ownership and control - i.e., they are recognized as belonging to the woman, but her rights to control them are shared with her husband or only operative under certain circumstances. These include the maize set aside for family consumption, cattle acquired under certain conditions (the chepsegut cow given to a girl at marriage, a cow from a daughter's bridewealth, or a cow acquired through one's own efforts before marriage), and sheep or goats acquired through the woman's own efforts. A married woman also has a qualified right to a small income derived from her enterprises - the qualification in this case being that she must use it only for purposes which directly benefit her family of procreation. A minority of wives also apparently have a qualified right to "own" tea, but in most cases this is entirely at the husband's discretion. Additionally, though wives are not said to "own" the two most important forms of property - land and cattle - their husbands' ownership of them is qualified by the fact that wives hold veto power over their alienation. In an important sense, then, husband and wife own, or at least control, land and cattle jointly. Husbands own absolutely (in most cases) the three major cash crops - tea, surplus maize, and morning milk - and the bulk of the family income. Clearly, the distribution of the control of property between husband and wife is unequal, but just as clearly, it is not as unequal as informants' general ideological statements would lead one to believe.

Certain modern developments which would seem likely to improve the economic position of women in general are actually relevant only to independent women. Legal ownership of land is now open to women as well as men, but it is almost impossible for a wife to take advantage of this. Again, certain families are considering the option of allowing girls to inherit a certain portion of the family property on an equal footing with boys, but only if they fail to marry and thus need property to support themselves. It is considered that daughters who marry will be provided for by their husbands.

At the same time, a number of modern developments threaten to erode the traditional economic rights of wives. One of the most significant aspects of women's economic rights has been the fact that several well-defined (albeit

minor) spheres of economic activity have been reserved entirely for them. These spheres (e.g. chickens and vegetables) were defined by men as beneath a man's dignity and too trivial to be bothered with. Modern young men are less constrained than were men of previous generations by concepts of male "dignity", and thus have begun to encroach on formerly feminine spheres of economic activity which are capable of yielding large profits. This especially seems to be true in the case of exotic vegetables.

Young men, especially those of the educated elite, also give less cognizance to women's various specific traditional economic rights, preferring to emphasize instead the modern "community property" ideology - that the wife owns nothing of her own, nor does the husband, but that all is owned jointly. This is all very well in theory, but the fact is that wives of this group, when questioned intensively about specific economic decision-making, don't report any more decision-making influence for themselves than do other wives. What "common ownership" actually means is greater rights of ownership for the husband. Wives are in fact losing their right to total control of female economic spheres without replacing it with more influence in other spheres.

It seems to be the case that older and more traditional men are very reluctant to trespass on their wives' activities in the spheres thought of as belonging to women (chickens, vegetables and the afternoon milk). Young men seem to feel that they are within their rights in attempting to control their wives' profits from these spheres (as they see it as the husband's right to control all income). This is particularly the case whenever a very large profit may potentially be realized in one of these spheres. The theme is reiterated, especially by young, educated, modern informants: by rights, chickens, vegetables and the evening milk belong to the woman, but if there are a lot of chickens or cows, or a very large plot of vegetables, then the man may have to take over financial control of the venture.

Thus, it may be the case that the general affluence of modern Nandi has an adverse effect on the economic status of wives vis-a-vis husbands. Since men are considered the owners of the major cash-crops, as the cash-crop economy expands the amount of income controlled by men increases much more rapidly than does that controlled by women. This would be enough to lower women's economic status vis-a-vis that of men. However, not only do men already control much larger incomes than do their wives, but they now seek to assume control of incomes from their wives' former economic preserves as well, whenever these amount to significant sums of money. General affluence, increasing milk production, and the availability of markets for such products as eggs and exotic vegetables mean that the economic spheres of wives are becoming capable of yielding larger and larger incomes - which in many cases results in their take-

over by husbands. (In fairness, it must be noted that many husbands do allow their wives autonomy where female economic spheres are concerned, and I know a number of women who control significant incomes from them).

Another threat to the economic status of wives is the refusal of young, educated men to allow their wives even the traditional limited ownership of livestock. This is epitomized by the refusal of the traditional chepsegut cow during Christian wedding ceremonies (see above).

The transition from finger millet to maize as the staple crop has also possibly adversely affected the economic status of wives. Since the difference in yield between hybrid maize and finger millet is spectacular in most parts of Mandi District, fingermillet was abandoned as a major food crop relatively rapidly after the introduction of maize. Nevertheless, maize first came as a male-controlled cash-crop even while finger millet was still the staple food crop, and was strongly encouraged in that role by the colonial government. Now that maize has replaced finger millet as the staple crop, it is not at all clear to people that wives should have the same absolute rights over their share of maize as they once had over their share of finger millet. Somewhat paradoxically, women's rights over finger millet itself may actually have increased. Many informants maintain that they no longer have to share it or its proceeds with their husbands at all. However, its general economic importance has greatly decreased. Wives may have gained in terms of rights of control over finger millet, but they have lost in terms of rights of control over the staple crop.

Thus a number of factors are at work which adversely affect the economic situation of wives vis-a-vis their husbands. At the same time, the number of economic rights and options available to independent women are increasing. This is giving rise to an entirely new social pattern - a small number of women are making conscious decisions not to be married but instead to live independently. It seems unlikely that this is a pattern that will become very prevalent or persist for very long. It is the reaction to certain current negative tendencies in men's perceptions of their wives' economic rights. It seems likely that some sort of stable equilibrium will be re-established, and this must necessarily involve a redefinition of wives' economic rights. Such a redefinition most likely will involve either the recognition of autonomous female economic spheres, as in the past, or more real input for wives in the control of family community property.